

REMARKS/ARGUMENTS

Applicants submit this Amendment in reply to the Office Action mailed June 15, 2006. In this Amendment, Applicants amend claim 1 and cancel claim 5. Before entry of this Amendment, claims 1, 2, 5, and 6-11 were pending with claims 1, 2, and 5 presented for examination. After entry of this Amendment, claims 1, 2, and 6-11 are pending with claims 1 and 2 presented for examination.

In the Office Action, the Examiner rejected claims 1, 2, and 5 under 35 U.S.C. § 112, second paragraph; rejected claims 1 and 2 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application No. 20020193926 A1 to Katagishi et al. (“Katagishi”); and rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Katagishi and in view of U.S. Patent Application No. 20040192189 A1 to Yuhura et al. (“Yuhura”).

Independent claim 1 has been amended to recite “function set up information storage means for storing the vehicle model information and related design information or function information . . . [and] function design setting means for setting the design information related to function or operation of the vehicle based on the vehicle model information recognized by the recognition means.” Further, claim 1 has been amended to recite “display means for displaying function design of the vehicle set by the function design means.” Support for these amendments can be found in the Applicants’ specification at, for example, page 3, lines 15-18; page 15, lines 7-15; page 21, lines 8-10; and Figure 7. Accordingly, there is no issue of new matter.

Regarding the rejection of claims 1, 2 and 5 under 35 U.S.C. § 112, second paragraph, the Examiner alleged that such claims were indefinite for failing to

particularly point out and distinctly claim the subject matter which Applicants regard as the invention. See Office Action at page 2. In particular, the Examiner stated that the recitation of “type” renders the claims indefinite. Id. While Applicants disagree with this rejection, Applicants’ have amended claim 1 and 2 to remove this term, and canceled claim 5, in an effort to advance prosecution of this application. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 1 and 5 under 35 U.S.C. § 102(e) as being anticipated by Katagishi. In order to properly establish that Katagishi anticipates Applicants’ claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Katagishi does not disclose each and every element of Applicants’ claimed invention. Concerning amended independent claim 1, Katagishi fails to teach an onboard apparatus mounted on a vehicle that “set[s] the design information related to function or operation of the vehicle based on the vehicle model information. . . and . . . displaying function design of the vehicle set by the function design means,” as recited in amended claim 1. The Examiner alleges that Katagishi discloses an onboard navigation apparatus (3) with “controller (33) [that] communicates with the memory (34) for display[ing] [] vehicle information regarding [] a vehicle, [and] therefore Katagashi

inherently disclose[s] a recognition means for recognizing a type of a vehicle.” Office Action at page 3. Further, the Examiner alleges that in “figure 2 and also page 3, paragraph [0032] [of Katagishi], the operating portion (36) is considered as the claim[ed] display setting means that is used to set[] the display based on the recognition of vehicle type.” Id. Applicants respectfully disagree.

In Katagishi, “when failure detector 21 detects a failure, the controller 22 references the memory 23 and outputs information . . . such as the manufacturer and model name of the parts which is out of order . . . to the navigation system 3.” Katagishi, paragraph 0031 (Emphasis added). Therefore, Katagishi merely teaches transmitting vehicle information to the navigation system but does not teach setting up the display 37 based on such information.

Moreover, Katagishi discloses that “by operating the operating portion 36 of the navigation apparatus 3, the driver inputs a repair request to the navigation apparatus 3.” Katagishi, paragraph 0038. Thus, operating portion 36 of Katagishi is for inputting requests into the navigation apparatus 3 and not for setting a display based on vehicle type. Accordingly, Katagishi does not teach an onboard apparatus mounted on a vehicle that “set[s] the design information related to function or operation of the vehicle based on the vehicle model information. . . and . . . displaying function design of the vehicle set by the function design means,” as recited in amended claim 1.

Applicants therefore respectfully request the Examiner to reconsider and withdraw the rejection of independent claim 1 as being anticipated by Katagishi, under 35 U.S.C. § 102(e). Further, claim 2 depends from claim 1 and thus contains all the

elements and limitations thereof. Accordingly, dependent claim 2 is allowable at least due to its dependence from independent claim 1.

Moreover, Applicants respectfully disagree with the Examiner's rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Katagishi and in view of Yuhura. Nonetheless, Applicants have canceled claim 5 to advance prosecution of this application.

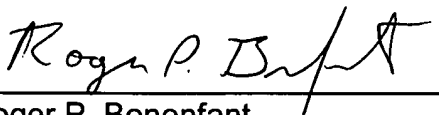
In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art reference cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 14, 2006

By: 
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